

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Caitlin Crowe, Planner I

Date: May 9, 2019

**RE: VARIANCE CASE V19-020 (Meeting May 22, 2019)
2749 Morris Cir – Allow six-foot wooden privacy fence in front yard on a corner lot**

BACKGROUND

The applicant is requesting a variance to allow a six ft. wooden privacy fence in the front yard at 2749 Morris Circle. The fence is proposed along the property line adjacent to east side of Morris Circle. The subject property has road frontage along two sides of the property, which creates front yards on two sides. The existing home currently has two six-foot wooden fences on either side of their backyard owned by their neighbors. The applicant is looking to connect the fences to fully enclose the backyard for safety and security. Section 501 controls the location and height of fences in the Code of Ordinances.

ANALYSIS

The subject property is located to the south of Walker Street and is zoned R-15 (see Figure 1). All the adjacent properties are zoned R-15 and are occupied by residential uses. The subject property has road frontage on Morris Circle along two sides of the property.

Due to the property having road frontage on two sides, both sides are considered a front yard. Section 501 restricts the height of fences within a front yard to four feet. Strict application of the ordinance would require a fence greater than four feet in height be setback 35 feet from the property line on each side with road frontage.

The applicant is requesting a variance to connect the neighbor's current six-foot fences with a new six-foot wooden privacy fence along the road to provide safety and security. Community Development believes the variance requested is the minimum variance needed and that at times, a four-foot fence may not provide adequate privacy. An almost identical variance request was approved at the adjacent property, 1450 Walker Street in 2018 (V18-061).

STAFF COMMENTS

The applicant is requesting a variance to allow a six-foot wooden privacy fence in the front yard on a corner lot at 2749 Morris Circle. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has not received any calls in opposition to the request. After a review of the standards above Community Development believes that the variance will not adversely affect surrounding properties; therefore, staff recommends approval of the requested variance.

Figure – 1



**Figure – 2
Subject Property**



**Figure – 3
Subject Property**



Figure – 4
Adjacent Property



Figure – 5
Adjacent Property



Figure – 6 Proposed Fence Location

